



FH
[REDACTED]

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION
Case #: MGE-174917

PRELIMINARY RECITALS

Pursuant to a petition filed June 10, 2016, under Wis. Stat., §49.45(5), to review a decision by the Marathon County Dept. of Social Services regarding Medical Assistance (MA), a hearing was held on July 14, 2016, by telephone.

The issue for determination is whether the agency correctly denied an MA request.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

I

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, WI 53703

By: [REDACTED]
Marathon County Dept. of Social Services
400 E. Thomas Street
Wausau, WI 54403

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Marathon County.

2. In April and May, 2016 petitioner was having health issues, and on May 3 a Social Security Administration (SSA) representative contacted Marathon County Social Services to process an application for petitioner to cover medical expenses not covered by Medicare.
3. On May 4 the county agency sent petitioner a letter telling her that she needed to provide more information including a signed MA application form.
4. Petitioner went to the local Aging Disability Resource Center (ADRC) and a representative there met with her to complete the MA application. Petitioner mentioned owning a cottage in the country with a tax assessed value of approximately \$70,000. The ADRC representative told petitioner that she would be ineligible for MA and ended the appointment. Thus no application or other information was provided to the county agency.
5. By a letter dated June 3, 2016 the county informed petitioner that her request for assistance was being closed because she did not complete the application process. Petitioner then filed this appeal.

DISCUSSION

The Department of Health Services handles the MA program in Wisconsin as well as Medicare premium subsidy programs. The Department has an agreement with the SSA for the SSA to refer possible MA eligible individuals to the local social services agency. See MA Handbook, §2.6.4. In petitioner's case the SSA referred petitioner to Marathon County because petitioner could be eligible for a state-run Medicare savings program in which the state pays Medicare premiums for eligible individuals. However, once the referral is made the potential applicant must complete the state application process. The Handbook provision requires the completed application to be submitted within 30 days of the referral date.

In petitioner's case the county correctly sent the denial letter because petitioner did not file the application. The failure to file was more the fault of the ADRC representative than petitioner, but I am reviewing the action by the county agency. I have no authority over the ADRC. During the hearing we talked about the effect of the cottage on petitioner's potential MA and Medicare premium assistance eligibility. I note that while the MA asset limit is \$2,000, it is \$7,280 for Medicare Premium assistance. That might not help petitioner because it is likely that the property is worth more than that amount, but petitioner should look into ways in which she could deal with the issue of the cottage's value against the asset limits.

CONCLUSIONS OF LAW

The county correctly closed petitioner's MA request because petitioner did not file an application within 30 days after the request for assistance.

THEREFORE, it is

ORDERED

That the petition for review is hereby dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

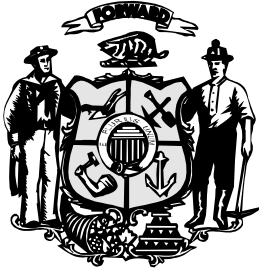
APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 15th day of July, 2016

\s_____
Brian C. Schneider
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on July 15, 2016.

Marathon County Department of Social Services
Division of Health Care Access and Accountability